S.B.Cr.Misc. Bail Application No.5879/2007
(Kehar Singh & Anr. Vs. State of Rajasthan)

Date of order : December 04, 2007

**HON'BLE MR.H.R.PANWAR,J.**

Mr.M.K.Garg, for the petitioners.
Mr.Ashok Upadhyaya, P.P. for the State.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned.

It is contended by the learned counsel for the petitioners that on FR, the trial court took the cognizance of the offences and summoned the petitioners by bailable warrant, however, despite execution of bailable warrant, the petitioners could not appear before the trial court and, therefore, the non-bailable warrant has been issued against them.

Order taking cognizance is not under challenge. In the circumstances, therefore, no case for grant of anticipatory bail is made out.

The bail application filed by the petitioners under section 438 Cr.P.C. is, therefore, dismissed. However, the petitioners shall surrender before the trial court and move a regular bail. If the petitioners surrender before the trial court and move a regular bail, the trial court shall decide the same on the very day in accordance with law.

(H.R.PANWAR),J.

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